




SO ORDERED.

SIGNED this 13 day of July, 2010.


J. Rich Leonard
United States Bankruptcy Judge

1233

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILSON DIVISION

IN RE) Case No. 09-11466-8-JRL
Carole L. Van Nostrand-Engel)
DEBTOR.) Chapter 13
)
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)
)

CONSENT ORDER

THIS CAUSE, coming on for consideration before the undersigned United States Bankruptcy Judge for the Eastern District of North Carolina District of North Carolina, upon the Motion for Adequate Protection and to Modify Stay and Co-Debtor Stay and Notice of Motion filed herein by U.S. Bank, National Association (hereinafter "Movant"), as required by the Bankruptcy Rules.

Based on the signatures of counsel and the record herein, the Court makes the following **FINDINGS OF FACT:**

1. On May 23, 2003, Debtor executed and delivered to Edward Jones Mortgage, LLC a certain Note in the original sum of \$106,500.00 and the Debtor executed and delivered to Edward Jones Mortgage, LLC a certain Deed of Trust, thereby granting Edward Jones Mortgage, LLC a lien or encumbrance in the real property as described therein and known as 5057 Netherwood Road, Rocky Mount, NC 27803 (hereinafter "real property"). On June 4, 2003, the foregoing Deed of Trust was properly filed with the Register of Deeds in Nash County, NC. Movant is the current owner and holder of the Note and Deed of Trust.

2. On or about December 31, 2009, the Debtor filed a petition under Chapter 13 of the United States Bankruptcy Code. The Debtor has defaulted under the payment of provisions of the foregoing Note and Deed of Trust. The Debtor intends to surrender the real property to Movant for foreclosure. After applying all funds received through June 18, 2010, the Debtor is due for March 2010 through June 2010 post-petition monthly payments and late charges, if any, to Movant in the total sum of \$4,540.00.

Based on the foregoing **FINDINGS OF FACT**, the Court makes the following **CONCLUSIONS**

OF LAW:

1. That this Court has jurisdiction over the parties and subject matter in this case. Movant has a duly perfected lien or encumbrance on the real property described in the foregoing Deed of Trust. Entry of this Order is appropriate due to the Debtor's default and intent to surrender.

NOW, THEREFORE, IT HEREWITH IS ORDERED, ADJUDGED AND DECREED as follows:

1. That, the automatic stay and co-debtor stay provisions of 11 U.S.C. § 362 and § 1301 are modified or terminated so that Movant and any Trustee or Substitute Trustee may foreclose on and sell the real property as shown herein and otherwise enforce its rights in the real property as permitted by NC law and the Deed of Trust.

TO THE FOREGOING, WE CONSENT AND AGREE:

/s/ Matthew T. McKee

Matthew T. McKee, Attorney for U.S. Bank, National Association

/s/ Robert Browning

No Objections, Robert Browning, Trustee

/s/ Peggy S. Levin

Peggy S. Levin, Attorney for Debtor

"END OF DOCUMENT"